



The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

January 17, 2006

The Honorable Bob Odell, Chairman
Senate Energy & Economic Development
Room 102; LOB
Concord, New Hampshire 03301

RE: SB 326 - Relative to a Temporary Moratorium on Large Groundwater Withdrawal Permits

Dear Senator Odell:

Thank you for the opportunity to comment on SB 326. This bill would place a moratorium on any large groundwater withdrawals that have not yet begun to withdraw water until the legislatively established Groundwater Commission completes its work in November, 2008. SB 326, as currently proposed, applies to new large groundwater withdrawals for both public water systems and commercial water uses.

In this letter, we have provided you with some background information to help you understand the large groundwater withdrawal permitting program further. We also provide you with some comments on the proposed legislation.

Groundwater Commission Plans

The Groundwater Commission, which was established to study issues related to groundwater, including groundwater withdrawals, will issue a final report by November 30, 2008. Attached are the workplan and schedule that the Groundwater Commission will be following to study numerous aspects of groundwater withdrawal management and permitting. This should provide you with a complete understanding of the details of the Commission's proposed work.

Large Groundwater Withdrawal Permitting Program

In 1998, RSA 485-C and RSA 485 were amended to require that new large groundwater withdrawals (withdrawals exceeding 57,600 gallons over any 24-hour period) obtain a permit from DES. The 1998 law required DES to adopt regulations for permitting new large groundwater withdrawals that ensure these withdrawals are operated efficiently and do not adversely impact other water users or water resources. DES adopted the large groundwater withdrawal permitting regulations in 2001 after working closely with an advisory stakeholder group over a number of years. The regulatory structure that these put in place for large groundwater withdrawal permitting is among the most comprehensive in the country.

As shown in the following table, since 1998, a total of 11 large groundwater withdrawal permits have been issued under the new rules at an average of just under 2 per year. The types of operations permitted since then are presented in the table below. In addition to specifying flow rates, many of these permits

contain permit conditions that describe groundwater and environmental monitoring requirements for each site, operating requirements such as conditions under which flow rate reductions will be required, and mitigation measures that are required should adverse impacts occur to the environment or other water users.

Status of Large Groundwater Withdrawal Permits Issued (1998-2005)

	Total Permitted Sources	Permitted Sources In Active Operation	Approved Flow Range (gallons per day)		
			Average	Highest Permit	Lowest Permit
Public water supplies	4	3	572,400	712,800	432,000
Golf courses	4	2	198,020	265,000 ¹	131,040
Bottled water operations	3	1	193,364	307,528 ¹	79,200
Total	11	6	317,008 ²	--	--

1. Actual permit is a variable withdrawal rate permit. Maximum permitted volumes only permitted when certain water levels are maintained at specified levels and average precipitation occurs.

2. Average of the maximum permitted production volume of all eleven withdrawals. The average does not reflect that several of the permits have a variable maximum withdrawal rate that is based on water level measurements and precipitation trends.

Note: The only commercial withdrawals that have applied for a permit to date have been either golf courses or bottled water operations.

Comments Concerning SB 326

If SB 326 is enacted in its current form, state law would not allow public water systems to develop new large groundwater withdrawals until the Groundwater Commission completes its work in 2008. Currently, Bow, Rochester, Milton, Meriden, Hooksett, Village District of Eastman and Merrimac, MA are all in the middle of the process of permitting new large groundwater withdrawals for public water systems. In some cases, these water systems need to develop new sources to comply with administrative orders issued by DES or to prevent water supply emergencies from occurring in the near future. SB 326 would also impact two golf courses and one bottled water operation that have obtained a large groundwater withdrawal permits, but have not yet begun extracting water, as well as three commercial operations currently pursuing large groundwater withdrawal permits. The moratorium, also, if extended beyond 2009, would impact the ability of existing permit holders to renew their 10-year large groundwater withdrawal permit.

DES is sensitive to the concerns that have led to the proposed moratorium. However, it should be recognized that the current groundwater withdrawal permitting process has ensured that unmitigated adverse impacts have not occurred to other water users or water resources, and has protected future water supply needs, including in one area where a new large withdrawal has been developed in a small bedrock

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aquifer with extremely high water use. Clearly, although groundwater is relatively abundant in New Hampshire, there are stressed areas where concern about the impact from large groundwater withdrawal is warranted. DES believes that the existing large groundwater withdrawal permitting program was created and has been operated to address these concerns. Accordingly, we urge you to proceed cautiously if you choose to enact SB 326 since a moratorium may not be necessary to protect water users and water resources and may have unintended consequences for public water supplies and the economy of the state.

Thank you again for the opportunity to comment on this legislation. If you have any questions or need additional information, please do not hesitate to call Sarah Pillsbury at 271-1168 or me at 271-3449.

Sincerely,

Michael P. Nolin
Commissioner

cc: Senator Estabrook
Senator Fuller Clark
Senator Green
Senator Barnes
Senator Hassan
Representative Cady
Representative Spang
Representative Cilley